

BEAVERCREEK CITY COUNCIL
REGULAR MEETING October 14, 2019 6:00 p.m.

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call

PRESENT: Council Member Curran, Council Member Rushing, Council Member Upton, Council Member Vann, Vice Mayor Garcia, Mayor Stone

ABSENT: Council Member Litteral

Vice Mayor Garcia MOVED to excuse Council Member Litteral, seconded by Council Member Vann. Motion PASSED by majority voice vote.

ALSO IN ATTENDANCE: Dennis Evers, Chief of Police; Kim Farrell, Recreation Superintendent; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Jeff McGrath, Planning & Development Director; Dianne Miscisin, Clerk of Council; Steve McHugh, Legal Counsel; Jeff Moorman, City Engineer; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Council Member Upton led the pledge and a moment of silence.

APPROVAL OF AGENDA

Vice Mayor Garcia MOVED to approve the agenda, seconded by Council Member Curran. Motion PASSED by majority voice vote.

APPROVAL OF MINUTES

Council Member Curran MOVED to approve the September 9, 2019 Regular Meeting Minutes, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote. Abstain – Mayor Stone

Vice Mayor Garcia MOVED to approve the September 12, 2019 Joint Work Session with Beaver Creek School Board, seconded by Council Member Upton. Motion PASSED by majority voice vote. Abstain – Mayor Stone

Vice Mayor Garcia MOVED to approve the September 23, 2019 Regular Meeting Minutes, seconded by Council Member Curran. Motion PASSED by majority voice vote. Abstain – Council Member Upton

PUBLIC HEARING – PC 19-5 ASRA Panera

Clerk Miscisin read an application filed by Anchor Development LLC, 3825 Edwards Road, Suite 630, Cincinnati, OH 45209. The applicant requests an Administrative Site Plan Review and Approval (ASRA) for 1.113 acres of land to

October 14, 2019

construct a 4,207 square foot Panera restaurant. The property is located at the southeast corner of N. Fairfield Road and Dayton-Xenia Road further described as Book 5, Page 5, Parcel 102 on the Greene County Property Tax Atlas.

Applicant Presentation

No Presentation

Staff Presentation

Mr. Burkett summarized the staff report dated October 10, 2019 stating the applicant was requesting approval of an administrative site plan approval to construct a 4,200 square foot restaurant on 1.1 acres. He reviewed the location of the property which was located with the Dayton Xenia Planning Area #3 on the Land Use Plan. He said these overlay areas were more sensitive to traffic and aesthetics. He reviewed the zoning, the proposed site plan, parking and access including a proposed third access through the U. S. Savings Bank property pending making contact with the property owner. He also reviewed the elevations, landscaping, lighting and signage.

Mr. Burkett still did not see the applicant present at the meeting but was happy to answer any questions after the public hearing.

Public Input

There being no input, the public input was closed.

Council Input

Council Member Curran asked about the parking lot surface. Mr. Burkett replied they would be redoing the surface.

Vice Mayor Garcia asked about an access through the properties. Mr. Burkett replied they were showing access next to Marion's and U.S. Savings Bank but they had not been able to make contact of the owner of the property as of yet.

Council Member Upton expressed concerns with the access through the bank property because of the one way traffic coming from the bank's drive-thru. He didn't think the traffic would flow well. Mr. Burkett replied they would still need to look at the design making sure it would be in the best interest of the city and the applicant. He also stated this was the best option as this was the only area that was flat. Council Member Upton confirmed the other two access points were the same as before when Friendly's was open. Mr. Burkett replied that was correct with the only difference being the access point to North Fairfield would be restricted to a right out only.

October 14, 2019

There was discussion of continuing the public hearing to the next meeting due to the applicant's absence. Mr. Burkett did not believe the applicant was planning to start construction until next year. It was believed the applicant was caught in traffic due to an accident on I-675.

Council Member Rushing asked if this building was the same size as the Panera at the Fairfield Mall. Mr. Burkett said this new location was more oriented towards the drive-thru and was a smaller building.

Mayor Stone expressed concern of the access by the bank and suggested it be a one way out because of the bank drive-thru.

Council Member Upton MOVED to postpone the public hearing action to after Decision Items on the agenda, seconded by Council Member Vann. Motion PASSED by majority voice vote.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 19-20 Repealing and Adopting New Chapter 137 (Second Reading)
Clerk Miscisin read an Ordinance repealing Chapter 137 "Weapons Control" of the City of Beavercreek Code of Ordinances and adopting new Chapter 137 "Weapons Control" of the City of Beavercreek Code of Ordinances.

There being no public input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading

Resolution 19-61 County Line Road at Dorothy Lane Resurfacing Project Agreement

Clerk Miscisin read a Resolution authorizing the City Manager to enter into an agreement with the City of Kettering for the project known as the County Line Road at Dorothy Lane Intersection Paving.

Mr. Moorman explained the City of Kettering was interested in resurfacing the intersection of Dorothy Lane at County Line Road. He explained the reasoning was the City of Kettering's maintenance crews had made several trips in the last couple of years to patch the area and would like a more permanent solution. He said the intersection was split equally between the two cities and was asked to share the cost of the resurfacing. He said this was planned with the County Line Road widening project and would not be disturbed when the widening project commenced. The city's share of the cost would be 50% of estimated cost \$46,853.

October 14, 2019

Council Member Upton thought this project had the support from MVRPC. Mr. Moorman said the resurfacing was being city funded but the overall County Line Road improvement project had MRVPC funds involved.

Council Member Rushing MOVED to approve Resolution 19-61, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Resolution 19-62 Condado Tacos 17, LLC Request for Liquor License Transfer
Clerk Miscisin read a Resolution authorizing the City Manager to sign a letter on behalf of the City of Beavercreek stating that City Council does not oppose the transfer of the proposed liquor license from Pizza Hut of America, LLC to Condado Tacos 17, LLC.

Mr. McHugh explained this provides a business applicant the opportunity when there was an economic development project to seek liquor permits from other areas in the State of Ohio that are not being used. He said this permit was coming from a Pizza Hut outside of North Olmstead Ohio.

Council Member Vann MOVED to approve Resolution 19-62, seconded by Council Member Upton. Motion PASSED by a majority voice vote.

LIQUOR PERMITS

La Perla Nails & Spa LLC (New)

Chief Evers received request for a new liquor permit for La Perla Nails & Spa LLC. The Ohio Division of Liquor Control sent police notification referencing a new D1 liquor permit for La Perla Nails and Spa LLC, 2820 Centre Dr., Ste. A, Beavercreek, Ohio 45324. The records checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the business officers/shareholders for this application request. Staff recommended this application request move forward without comment.

Council Member Upton MOVED to accept without comment, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

DECISION ITEMS

Appointment to the Board of Zoning Appeals (Vacancy – Unexpired Term)

Vice Mayor Garcia MOVED to open nominations for Board of Zoning Appeals, seconded by Council Member Upton. Motion PASSED by majority voice vote.

Council Member Upton nominated William Althoff.

October 14, 2019

Council Member Curran MOVED to close nominations for Board of Zoning Appeals, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Council Member Upton MOVED to appoint William Althoff to the Board of Zoning Appeals for the term ending February 29, 2020, seconded by Council Member Vann. Motion PASSED by majority voice vote.

PC 19-5, ASRA Detailed Site Plan Panera (continued from earlier in the meeting)

Mr. Burkett replied they still had not heard from the applicant. He said the applicant was coming Cincinnati and more than likely was behind the accident on I-675 which was closed.

Council Member Upton asked if there was anything in particular Council wanted to ask of the applicant. Mayor Stone replied he was questioning the traffic crossing the bank property.

There was discussion regarding continuing the public hearing to the next meeting.

Council Member Vann asked if they were planning to demolish the current building. Mr. Burkett replied yes.

Council Member Vann MOVED to amend condition 18 to read as follows: Prior to the release of a zoning permit, the applicant, with approval of the design by city staff shall record, with the Greene County Recorder's office, a permanent cross access and construction easement on the southeast corner of the property with the property to the east. Prior to getting the easement recorded, the applicant shall provide a draft of the easement to the Planning Department and the Law Director for review and approval, seconded by Council Member Curran. Motion PASSED by majority voice vote.

Motion

Council Member Upton moved for the purpose of taking administrative action, approval of an ASRA Detailed Site Plan for Panera, PC 19-5, on the basis that City Council finds the facts submitted with the application and accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for an ASRA Detailed Site Plan as per §158.083 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. Council Member Upton further moved that this motion with all conditions be fully recorded in the minutes of this Council meeting.

October 14, 2019

1. The approved plans for this development shall be the plans stamped "Received August 28, 2019", except as modified herein.
2. The approved building elevations shall be those plans stamped "Received August 5, 2019" except where modified herein.
3. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required Development Agreement and the release of a zoning permit.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted, within three months, weather permitting.
5. Prior to the release of the zoning permit, the applicant shall sign an agreement with the City pertaining to the maintenance of landscaping installed in the City's right-of-way. The agreement shall obligate the owners of the property to maintain said landscaping, so long as it remains in the right-of-way.
6. A Development Agreement must be signed by the owner and a bond or letter of credit for the required site landscaping must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.
7. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or completely kept within the building. Any dumpster enclosures shall be constructed of materials to match the building, and fitted with a closeable, lockable gate.
8. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.
9. Gutters, downspouts and roof access ladders shall not be visible on any elevation of the building. They shall be internally mounted. Thru-wall scuppers are permitted.

October 14, 2019

10. The façade shall not be painted or altered without the expressed approval of the Planning Department and/or Planning Commission.
11. All service doors shall be painted to match the building per the approval of the Planning Department.
12. Any ground sign shall be a maximum of 5 feet in height, including a 1-foot brick base and wrap (as shown in Exhibit A), and shall have a maximum of 32 square feet of sign area per sign face.
13. The wall signs permitted shall be those as shown on the approved architectural elevations.
14. The ground sign shall be constructed with a masonry base and wrap, to match the materials used to construct the building.
15. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. Maximum mounting height for any parking fixture shall be 25 feet, and no pole shall be located in the paved area of the parking field. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
16. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and approved prior to the release of a zoning permit for the building.
17. All roof top mechanical units shall be completely screened from view from all directions with architectural features (roof forms or parapets).
18. Prior to the release of a zoning permit, the applicant, with approval of the design by city staff shall record, with the Greene County Recorder's office, a permanent cross access and construction easement on the southeast corner of the property with the property to the east. Prior to getting the easement recorded, the applicant shall provide a draft of the easement to the Planning Department and the Law Director for review and approval.
19. If the three spots designated as Curbside Pick-Up spots (shown on Exhibit B) are frequently full, and turning around becomes a problem for patrons of the Panera, the owners shall mark the northernmost parking space as "no parking" with signage and striping. An alternative solution other than

October 14, 2019

marking the space “no parking”, agreeable to both the Planning Department and the Owners, may be utilized if appropriate.

Seconded by Council Member Vann. Motion PASSED by majority voice vote.

Council Time

Council Member Vann said there had been a lot of campaign events but wanted to talk about the Miami Valley Tornado Long Term Recovery Operations group. She said the Miami Valley Regional Planning Commission was coordinating capital improvement grants that would come forward for all the cities. All the social service agencies in the region were meeting to help residents who call the 211 number. She listed the groups who give a monthly report at the meeting. She said Miami County had hired navigator to help people from their county navigate all the challenges for the tornado. She said they had that on the docket so that Mr. Landrum would present something to Council. She said if they hired this staff person they would go to this meeting and then be an advocate for the residents. She said the Dayton Foundation had \$730,961.22 in disaster funds. These funds would be awarded to non-profits who were going to help with the recovery. She said it would be good for them to figure out what kind of organizations might help people in Beavercreek. They would be using the money to purchase bulk materials that were needed by lots and lots of people. She didn't know how they could tag into this at this point but knew that \$100,000 worth of materials had been purchased. They have asked for people to report in kind donations and donated time. She said people in Beavercreek were reaching out to help. She said the reason they asked for a log was so they could use to it when writing grant applications for social service funding. She said, to date (October 7th), the 211 number had received 130 calls. Of those, 42 were homeowners, 125 were from Montgomery County, five from Miami County and none from Greene County. There was a new program from Federal Home Loan Bank who was making \$5,000 available to renters if they were hoping to buy a property and \$20,000 available to homeowners whose home was destroyed. Teams of volunteers were still being recruited and still planning work days. She said they could still do this in Beavercreek. They talked about training workshops with Sinclair to train people to be able to estimate how much repairs would cost. She said they also had emotional relief programs at Fairmont and Beavercreek as well. She said it was good they had a door into this system and hoped they could continue working with them and take advantage of what they could for the residents.

Council Member Rushing congratulated Kroger on their grand re-opening. The County Auditor has a property tax forum on Wednesday at 7:00 p.m. at Fire Station 61.

October 14, 2019

Council Member Upton encouraged everyone to watch the videos available for the candidate forum available on Channel 5 and on-demand through the city website.

Council Member Curran congratulated Kroger on their re-opening. He said Try-a-Truck was a success.

Vice Mayor Garcia said she would be putting a plan in place for the Mayor and Clerk of Council's annual evaluations Council would be performing.

MAYOR'S REPORT

Mayor Stone said it had been a busy last couple of weeks. Aqua Tots had their re-opening, Try-a-Truck was a huge success, Owen's Place had a walk to raise money and Walk with the Mayor had three walks. He said this was Family Violence Awareness Month and there was a ceremony at the Greene and a proclamation was given. He attended a Civic Leader Fly-In at the Air Force Academy in Colorado last week.

CITY MANAGERS REPORT

Mr. Landrum said there was a census recruitment informational session at the Greene County Library in Xenia on October 22nd from noon to 5:00 p.m. There would be drug take back on Saturday, October 26th from 10:00 a.m. to 2:00 p.m. at the Beavercreek Police Department, Greene County Sheriff's Office, Fairborn Police Department and Sugarcreek Police Department. They would also be collecting old flags that need to be retired. Trick or Treat will be Thursday, October 31st from 6:00 p.m. to 8:00 p.m.

CITIZEN COMMENTS

Brad Copp, Anchor Development LLC, 3825 Edwards Road, Suite 630, Cincinnati, OH 45209

Mr. Copp apologized for being late and missed the approval. He appreciated everyone's support and was available for questions.

Mayor Stone opened the floor for questions and comments.

Council Member Vann asked Mr. Copp to talk about the new Panera. Mr. Copp said they had been representing the franchisee which is the largest franchisee in the country at the moment. He said this was the 12th building with the new concept plan. He said they were very particular of the communities they were in and give back a lot to the community. All the new Panera's are drive-thru and they were looking to convert the existing Paneras into drive-thrus if at all possible. Council Member Vann asked about the keeping the line of traffic moving.

October 14, 2019

Anne McBride, Panera, replied that they could turn around a custom food order faster than Starbucks could make your drink order. She said they have this down to a scientific art.

Citizen Comments was closed.

ADJOURNMENT

Vice Mayor Garcia MOVED to adjourn the meeting at 7:00 p.m., seconded by Council Member Rushing. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:



Dianne Miscisin
Clerk of Council
Cmin101419